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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,515	04/09/2001	Richard L. Schwartz	SMIO.0100001	6719

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/05/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,515

Applicant(s)

SCHWARTZ ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33,35,37,38,40,42,43 and 71-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33,35,37,38,40,42,43 and 71-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152) _____
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 and 9. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 33, 35, 37-38, 40 and 71-91** are rejected under 35 U.S.C. 102(e) as being anticipated by Bull et al. (US 6,498,841).

Regarding **claim 33**, Bull discloses a method for providing enhanced call waiting and caller identification (column 1, lines 14-16), (which reads on claimed “a method for facilitating mediated virtual communication”), comprising:

receiving, by a mediation system (102 on FIG. 1), a request for voice-based communication (column 6, line 12 “a current call”) from a communication device of a calling party (220 on FIG. 2), wherein the request for voice-based communication requests commencement of a telephone call (column 6, line 12 “a current call”) between the communication device of the calling party and a communication device of a called party (column 6, lines 12-16) [The system receives a call from the calling telephone station to a called telephone station];

automatically evaluating, by the mediation system, contextual information (column 6, line 21 "a calling party identification parameter") associated with the telephone call, in response to receiving the request for voice-based communication (column 6, lines 17-33) [The attempt trigger generates a query to determine whether the standard call information can be delivered to the called party];

automatically preparing, by the mediation system, a list of follow-through options (column 7, line 25 "call control information"), based on the contextual information (column 7, lines 20-54) [The SCP provides the call control information retrieve from its database];

automatically transmitting a message (column 9, line 8 "a message") from the mediation system to the communication device of the called party, wherein the message includes the list of follow-through options (column 9, line 13 "audible instructions") to be displayed on the communication device (column 10, line 44 "the display") of the called party for selection by the called party (column 9, lines 7-35) [The message is transmitted to the called telephone station, the messages comprises audible instructions that can be display on the called station CPE];

receiving, by the mediation system, a response (column 9, line 19 "press 2 to deny the call") from the communication device of the called party, one of the follow-through options (column 9, line 19 "press 2 to deny the call") as having been selected by the called party (column 9, lines 7-35) [The called party is provided with call dispositions options to suit the need and the system will answer accordingly]; and

facilitating a mediated follow-through operation (column 9, line 38 "connect the call, cancel the call") based on the selected one of the follow-through options (column 9, lines 36-42) [The system in response to input provided by the called party can connect the call, cancel the call].

Regarding **claim 35**, Lim teaches updating a data set in a mediation subscriber profile for the called party in response to receiving the response identifying the selected one of the follow-through options (column 7, lines 29-60).

Regarding **claim 37**, Lim teaches, wherein the operation of updating the data set comprises:

- archiving identifying information , of the calling party (column 7, lines 29-60);
- archiving an availability status of the called party during a mediation process for the request for voice-based communication (column 7, lines 29-60); and
- archiving information about the follow-through option selected by the called party during the mediation process (column 7, lines 29-60).

Regarding **claim 38**, Bull discloses wherein the operation of evaluating the contextual information comprises:

- determining a present availability status for the called party (column 8, lines 22-48).

Regarding **claim 40**, Bull discloses determining an availability status for the calling party (column 6, lines 17-33).

Regarding **claims 71 and 82**, Bull discloses wherein: the selected follow-through action comprises an option to automatically notify the calling party that the called party plans to call the calling party back later (column 9, lines 7-35); and

the operation of facilitating a mediated follow-through operation based on the selected one of the follow-through options comprises automatically notifying the calling party that the called party plans to call the calling party back later (column 9, lines 7-35).

Regarding **claims 72 and 83**, Bull discloses after notifying the calling party that the called party plans to call the calling party back later, receiving, by the mediation system, a communication request from the communication device of the called party (column 9, lines 7-35);

automatically preparing, by the mediation system, a list of follow-through actions, in response to the communication request (column 9, lines 7-35);

transmitting a text-based message from the mediation system to the communication device of the called party, such that the text-based message causes the communication device of the called party to display the list of follow-through actions for selection by the called party (column 10, lines 34-45);

receiving, by the mediation system, a response from the communication device of the called party, wherein the response identifies one of the follow-through actions as having been selected by the called party (column 9, lines 7-35); and

automatically facilitating the selected follow-through action, in response to receiving the response from the communication device of the called party (column 9, lines 7-35).

Regarding **claims 73 and 84**, Bull discloses wherein: the selected follow-through action comprises an option to return a call (column 9, lines 7-35); and

the operation of automatically facilitating the selected follow-through action comprises:

automatically calling the communication device of a the calling party on behalf of the called party, in response to receiving the response from the communication device of the called party (column 9, lines 7-35);

automatically determining a present availability status of the calling party by interacting with the calling party; and automatically connecting the communication device of the called party and the communication device of the calling party, to facilitate communication between the called party and the calling party, wherein the mediation system connects the communication device of the called party and the communication device of the calling party only after the mediation system interacts with the calling party and determines that the calling party is available (column 8, lines 22-48).

Regarding **claims 74 and 85**, Bull discloses automatically preparing a communication summary in response to receiving the request for voice-based communication from the communication device of the calling party, wherein the communication summary includes identifying information for the calling party (column 9, lines 7-35); and

transmitting the communication summary from the mediation system to the communication device of the called party (column 9, lines 7-35).

Regarding **claims 75 and 86**, Bull discloses wherein the communication summary sent to the communication device of the called party comprises information about previous attempts by the calling party to call the called party (column 9, lines 7-35).

Regarding **claims 76 and 87**, Bull discloses tracking responses from the called party to multiple communication requests, to identify a recurring response from the called party (column 9, lines 7-35); and

automatically handling a subsequent telephone call to the communication device of the called party on behalf of the called party, in accordance with the recurring response, without receiving input from the called party pertaining to the subsequent call (column 2, lines 7-35).

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Regarding **claims 77 and 88**, Bull discloses receiving input from the called party specifying a default option for mediating incoming calls for the called party (column 9, lines 7-35); and

automatically mediating an incoming call to the communication device of the called party on behalf of the called party, in accordance with the default option, without receiving input from the called party pertaining specifically to that incoming call (column 9, lines 7-35).

Regarding **claims 78 and 89**, Bull discloses wherein the operation of automatically mediating an incoming call in accordance with the default option comprises:

automatically providing instructions to a person that originated the incoming call, wherein the instructions pertain to leaving voice mail for the called party (column 9, lines 7-35).

Regarding **claims 79 and 90**, Bull discloses wherein the operation of automatically mediating an incoming call in accordance with the default option comprises:

automatically mediating the incoming call in accordance with a behavior-specific follow-through action (column 9, lines 7-35).

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Regarding **claims 80 and 91**, Bull discloses wherein the operation of automatically mediating an incoming call in accordance with the default option comprises:

automatically interacting with a person that originated the incoming call, on behalf of the called party, to schedule a follow-up call (column 9, lines 7-35).

Regarding **claim 81**, Bull discloses a method for providing enhanced call waiting and caller identification (column 1, lines 14-16), (which reads on claimed “a program product for facilitating mediated virtual communication”), the program product comprising:

a computer-usable medium (110 on FIG. 1); and
computer instructions (110, 112 on FIG. 1) encoded in the computer-usable medium, wherein the computer instructions, when executed by a processor in a computer system, provide a mediation system (102 on FIG. 1) that performs operations comprising:

receiving a request for voice-based communication (column 6, line 12 “a current call”) from a communication device of a calling party (220 on FIG. 2), wherein the request for voice-based communication requests commencement of a telephone call (column 6, line 12 “a current call”) between the communication device of the calling party and a communication device of a called party (column 6, lines 12-16) [The system receives a call from the calling telephone station to a called telephone station];

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automatically evaluating contextual information (column 6, line 21 “a calling party identification parameter”) associated with the telephone call, in response to receiving the request for voice-based communication (column 6, lines 17-33) [The attempt trigger generates a query to determine whether the standard call information can be delivered to the called party];

automatically preparing a list of follow-through options (column 7, line 25 “call control information”), based on the contextual information (column 7, lines 20-54) [The SCP provides the call control information retrieve from its database];

automatically transmitting a message (column 9, line 8 “a message”) from the mediation system to the communication device of the called party, wherein the message includes the list of follow-through options (column 9, line 13 “audible instructions”) to be displayed on the communication device (column 10, line 44 “the display”) of the called party for selection by the called party (column 9, lines 7-35) [The message is transmitted to the called telephone station, the messages comprises audible instructions that can be display on the called station CPE];

receiving a response (column 9, line 19 “press 2 to deny the call”) from the communication device of the called party, wherein the response identifies one of the follow-through options (column 9, line 19 “press 2 to deny the call”) as having been selected by the called party (column 9, lines 7-35) [The called party is provided with call dispositions options to suit the need and the system will answer accordingly]; and

facilitating a mediated follow-through operation (column 9, line 38 "connect the call, cancel the call") based on the selected one of the follow-through options (column 9, lines 36-42) [The system in response to input provided by the called party can connect the call, cancel the call].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 42-43 and 92-95** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of Lim et al. (US 6,477,240).

Regarding **claim 42**, Bull discloses wherein the operation of automatically preparing a list of follow-through actions comprises automatically analyzing a profile for the user, in response to receiving the communication request (column 8, lines 22-48); and

preparing the list of follow-through actions based on the profile for the user (column 9, lines 7-35).

Regarding **claim 43**, Bull discloses automatically determining a present availability status for the user, in response to receiving the communication request from the communication device of the user (column 6, lines 17-33).

Regarding **claim 92**, Bull discloses a method for providing enhanced call waiting and caller identification (column 1, lines 14-16), (which reads on claimed “a program product for facilitating mediated virtual communication”), comprising:

a computer-usable medium (110 on FIG. 1); and

computer instructions (110, 112 on FIG. 1) encoded in the computer-usable medium, wherein the computer instructions, when executed by a processor in a computer system, provide a mediation system (102 on FIG. 1) that performs operations comprising:

receiving a communication request (column 6, line 12 “a current call”) from a communication device (220 on FIG. 2) of a user (column 6, lines 12-16) [The

system receives a call from the calling telephone station to a called telephone station];

automatically preparing a list of follow-through actions (column 7, line 25 "call control information"), in response to the communication request (column 7, lines 20-54) [The SCP provides the call control information retrieve from its database];

transmitting a text-based message (column 10, line 45 "text data") from the mediation system to the communication device of the user, such that the text-based message causes the communication device to display the list of follow-through actions for selection by the user, wherein the list of follow-through actions comprises an option to return a call (column 9, lines 7-35) [The message is transmitted to the called telephone station, the messages comprises audible instructions that can be display on the called station CPE];

receiving a response (column 9, line 24 "press 3 to route the call") from the communication device of the user, wherein the response identifies the option to return a call (column 9, line 24 "press 3 to route the call") as having been selected by the user (column 9, lines 7-35) [The called party is provided with call dispositions options to suit the need and the system will answer accordingly].

Bull fails to disclose automatically calling a communication device of a second person.

However, Lim teaches automatically facilitating the selected follow-through action, in response to receiving the response from the communication device of

the user, by: automatically calling a communication device of a second person on behalf of the user, in response to receiving the response from the communication device of the user (column 9, lines 19-37) [The telephony server automatically places an outbound call for the user];

automatically determining a present availability status of the second person by interacting with the second person on behalf of the user (column 9, lines 19-37) [The telephony server cooperatively with its servers to accomplish the end-to-end connection]; and

in response to determining that the second person is available, automatically connecting the communication device of the user and the communication device of the second person, to facilitate communication between the user and the second person, wherein the mediation system connects the communication device of the user and the communication device of the second person only after the mediation system interacts with the second person and determines that the second person is available (column 10, lines 6-31) [The unified messaging system route the call in accordance with a subscriber's communication setting].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephony server of Lim in the service node of Bull.

The modification of the invention would offer the capability of automatically calling a communication device of a second person such as the system would create and end-to-end connection to facilitate the subscriber of the unified messaging system.

Regarding **claims 93 and 95**, Bull discloses wherein the operation of receiving a response from the communication device of the user comprises:

Receiving a text-based response from the communication device of the user, wherein the text-based response identifies the selected follow-through action (column 9, lines 7-35).

Regarding **claim 94**, Bull discloses a method for providing enhanced call waiting and caller identification (column 1, lines 14-16), (which reads on claimed "a method for facilitating mediated virtual communication"), comprising:

receiving, by a mediation system (102 on FIG. 1), a communication request (column 6, line 12 "a current call") from a communication device (220 on FIG. 2) of a user (column 6, lines 12-16) [The system receives a call from the calling telephone station to a called telephone station];

automatically preparing, by the mediation system, a list of follow-through actions, in response to the communication request (column 7, lines 20-54) [The SCP provides the call control information retrieve from its database];

transmitting a text-based message (column 10, line 45 "text data") from the mediation system to the communication device of the user, such that the text-based message causes the communication device to display the list of follow-through actions for selection by the user, wherein the list of follow-through actions comprises an option to return a call (column 9, lines 7-35) [The message is transmitted to the called

telephone station, the messages comprises audible instructions that can be display on the called station CPE];

receiving, by the mediation system, a response from the communication device of the user, wherein the response identifies the option to return a call as having been selected by the user (column 9, lines 7-35) [The called party is provided with call dispositions options to suit the need and the system will answer accordingly].

Bull fails to disclose automatically calling a communication device of a second person.

However, Lim teaches automatically facilitating the selected follow-through action, in response to receiving the response from the communication device of the user, by: automatically calling a communication device of a second person on behalf of the user, in response to receiving the response from the communication device of the user (column 9, lines 19-37) [The telephony server automatically places an outbound call for the user];

automatically determining a present availability status of the second person by interacting with the second person on behalf of the user (column 9, lines 19-37) [The telephony server cooperatively with its servers to accomplish the end-to-end connection]; and

in response to determining that the second person is available, automatically connecting the communication device of the user and the communication device of the second person, to facilitate communication between the user and the second person, wherein the mediation system connects the communication device of the user and the

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communication device of the second person only after the mediation system interacts with the second person and determines that the second person is available (column 10, lines 6-31) [The unified messaging system route the call in accordance with a subscriber's communication setting].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephony server of Lim in the service node of Bull.

The modification of the invention would offer the capability of automatically calling a communication device of a second person such as the system would create and end-to-end connection to facilitate the subscriber of the unified messaging system.

Response to Arguments

6. Applicant's arguments with respect to **claims 33, 35, 37-38, 40, 42-43 and 71-95** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.


g.g.
December 22, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

